

Delegation of Executive Functions

Any functions which, under Executive arrangements, are the responsibility of the Executive, may be discharged by the Leader personally or allocated by the Leader to the Executive, individual Executive Members, Executive Committees or Officers. Sub-delegations may also be made, e.g to Area Committees.

This list is maintained under Article 7.06 of the Constitution, and records delegation of executive functions to:

- ♦ committees of the Executive
- ♦ individual Executive Members
- ♦ Area Committees
- ♦ joint committees
- ♦ officers
- ♦ other local authorities
- ♦ the Appeals Committee (Home to School Transport)

This section also deals with the role of the Corporate Parenting Members' Group.

1. Committees of the Executive

- 1.1 The Council's Executive arrangements delegate to the committees set out in the Register of Executive Committees the executive functions there specified.

2. Individual Executive Members

- 2.1 The Council's Executive arrangements delegate to individual Executive Members the Executive functions set out in the Executive Members' Delegation Scheme.
- 2.2 Before taking decisions within their delegated authority, individual Executive Members will seek advice from relevant Officers.
- 2.3 Individual Executive Members exercising decision making powers will ensure that proper records are kept of all decisions they take, in accordance with legal requirements.
- 2.4 Where an individual Executive Member has an interest precluding participation (as set out in the Members' Code of Conduct) in relation to any decision, the Member will not take that decision, but will ask the relevant Officer to refer the matter to the Executive for determination.
- 2.5 Individual Executive Members with decision making powers may delegate decisions to Area Committees, or to Officers.

2A Leader

- 2A.1 On an annual basis a formal appraisal of the Chief Executive Officer shall be carried out by the Leader of the Council. The appraisal shall be conducted following consultation by the Leader with the members of the Executive and the leaders of the political groups upon the Council.

- 2A.1.1 Where the outcome of the appraisal will affect the terms and conditions of the Chief Executive Officer, the matter will be referred to the Chief Officers Appointments and

Disciplinary Committee for it to determine any necessary changes to such terms and conditions (as the power to determine the terms and conditions on which staff hold office is a non-executive function).

Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in their terms and conditions necessitating a referral to the Chief Officers Appointments and Disciplinary Committee.

2A.1.2 Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

3. Area Committees

3.1 The Executive delegates to the Area Committees named in Article 10 the executive functions listed in the delegated powers of Area Committees in Part 3 of this Constitution and not marked *. (This marking is to distinguish executive and non-executive functions in the Area Committees' powers).

3.2 The delegation of these powers operates under Section 9E of the Local Government Act 2000 and all other powers enabling the Executive.

3.3 When Area Committees are discharging functions which are the responsibility of the Executive, they must do so within the Budget and Policy Framework set by full Council.

4. Officers

4.1 The Council's Executive arrangements delegate to Officers the executive functions which are contained in the Officers' Delegation Scheme and not marked *. (This marking is to distinguish executive and non-executive functions in the Officers' Delegation Scheme).

4.2 The delegation of these powers operates under Section 9E of the Local Government Act 2000 and all other powers enabling the Executive.

4.3 The Executive powers delegated to Officers are subject to the general provisions in the Officers' Delegation Scheme.

5. Other local authorities

5.1 The Executive delegates to the Yorkshire Dales National Park Authority and the North York Moors National Park Authority certain functions in relation to public rights of way which are functions of the Executive. This delegation operates within the areas of the National Parks and in relation to the powers specified in agreement between the Council and the National Park Authorities.

6. Outside Body Appointments

6.1 Insofar as the making of appointments to outside bodies is an executive function, the Executive agrees that those appointments should be made as set out in Schedule 5.

7. Adoption Panels

- 7.1 The Executive delegates its statutory functions in relation to adoption panels pursuant to the Adoption Agencies Regulations 2005 to City of York Council as the host local authority for the Regional Adoption Agency “One Adoption North and Humber” in accordance with the terms of the “One Adoption North and Humber Partnership Agreement”.

8. Corporate Parenting Members’ Group

- 8.1 The Corporate Parenting Members’ Group is not a Committee of the Executive but a non-decision making member working group responsible for supporting the Executive, and the Council as a whole, in its role as corporate parent. The group will regularly report to the Lead Executive Member for Children’s Services on a quarterly basis on corporate parenting issues, and at any stage, should any issues arise in the interim which they consider should be drawn to the attention of the Executive. The report of the Corporate Parenting Members’ Group shall be reported to the Executive and full Council as part of the quarterly monitoring process.
- 8.2 The Corporate Parenting Members’ Group may refer any issues directly to the Children and Families Overview and Scrutiny Committee.
- 8.3 The Corporate Parenting Members’ Group will present an annual report directly to the Council at the Annual Council meeting.
- 8.4 The Corporate Parenting Members’ Group will comprise between five and ten members, appointed annually by the Executive, and may include members and co-opted members from the Children and Families Overview and Scrutiny Committee. The quorum for this meeting will be three. *(Note that if an item of work for the Children and Families Overview and Scrutiny Committee involves scrutiny of a decision or work that has involved or been significantly influenced by the Corporate Parenting Members’ Group, those members of the Corporate Parenting Members’ Group who are also members of the Children and Families Overview and Scrutiny Committee will not be able to participate in the scrutiny process for that item).* The Chair of the Group will be appointed by the Executive.
- 8.5 The role of the Corporate Parenting Members’ Group will include providing advice on all aspects of the Council’s responsibilities as a Corporate Parent and in relation to looked after children on any specific issues they are required to consider. This includes:
- (a) educational attainment and the work of the “virtual” Head Teacher;
 - (b) health issues including the provision of advice and education on issues such as relationships, sexual education, teenage pregnancies and life style choices around levels of physical activity, diet, drugs and alcohol abuse and smoking;
 - (c) crime prevention programmes and the work of the Youth Offending Teams;
 - (d) safeguarding, sexual exploitation and radicalisation of children; including children missing from home and Looked after Children;
 - (e) performance against key indicators for the quality, stability and outcomes of Looked After arrangements for all children and young people in the preceding year;

- (f) issues affecting Looked after Children who are disabled;
- (g) the transition arrangements for all Looked after Children as they enter adulthood;
- (h) how the Council and partners engage with young people, for instance through groups such as Young Person's Council, Flying High;
- (i) the recruitment and retention of social workers and staff and the morale of all service staff and officers;
- (j) the work of the Young People's Champion;
- (k) any other relevant matter considered appropriate by the Lead Member for consideration by the Group.

8.6 The Corporate Parenting Members' Group will undertake inspections under **Regulations 44** of residential homes. This will involve reporting any concerns from the residential homes and receiving any concerns raised by officer inspections of residential schools.